

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In Re:

MEDTRONIC, INC.
SPRINT FIDELIS LEADS
PRODUCTS LIABILITY LITIGATION

Multidistrict Litigation

No. 08-1905 (RHK/JSM)

**JOINT REPORT FOR AUGUST 27,
2008 STATUS CONFERENCE
PURSUANT TO ORDER NO. 4**

Pursuant to Pretrial Order No. 4, counsel for the Plaintiffs and Medtronic, Inc., Medtronic International Technology, Inc. (f/k/a Medtronic Puerto Rico, Inc.), Medtronic USA, Inc., and Medtronic Puerto Rico Operations Co. (collectively, "Medtronic") submit this joint status report and agenda for the upcoming status conference on August 27, 2008, at 10:00 a.m.

1. Summary of Activities Since Last Conference.

Since the last status conference before this Court on July 14, 2008, counsel continue to work to resolve outstanding issues. In particular, the parties have met and conferred on various issues. We have reached agreement on the "complaint by adoption" form and expect to submit an agreed upon order shortly. We are continuing to discuss ESI and Preservation order issues and hope to reach full resolution shortly. At this time, those issues are not yet ripe and may be resolved without Court involvement.

With respect to "multiple party" complaints and the "*American Pipe*" tolling issue, we cannot reach agreement despite having several productive but ultimately unsuccessful discussions.

On August 4, 2008, Defendants filed their motions to dismiss the Master Complaints for Individuals, Third Party Payors and Medicare Secondary Payors. The Plaintiffs must respond by September 18, 2008. Defendants' Reply briefs are due October 20, 2008, and the hearing is currently set for November 4, 2008. Attached hereto for the Court's convenience is an updated list of related pending cases not yet transferred and pending state court cases.

2. Proposed Agenda.

Counsel agree on the following proposed agenda for the August 27, 2008 status conference:

A. Complaint By Adoption Form. The parties agree that such a form would be helpful and will present an agreed upon order to the Court prior to the status conference.

B. Tolling Agreement/Tolling Order. The parties cannot agree on the application of the *Amercian Pipe* doctrine. They set forth their respective positions below.

C. Multiple Parties Order. The parties cannot agree on the appropriateness of an order permitting the filing of multiple party complaints. They set forth their respective positions below.

D. Preservation Order/ESI Issues. The parties continue to meet and confer on these issues and will be prepared to report to the Court on their progress. The parties agree that no Court action is required at this time.

E. State Court Liaison. The status of this issue has not changed. The parties agree that no Court action is required at this time.

F. Hearing Date. The Motions to Dismiss are scheduled to be argued on November 4, 2008. As this is Election Day, out-of-town counsel have requested that the hearing be changed if possible. The Court has advised the parties of possible available alternatives on October 30 or November 13 and the parties expect to be able to advise the Court as to those possible alternate dates on or before the August 27 status hearing.

3. Parties' Positions on Disputed Items. There are only two issues that are ripe for Court involvement at this time: (1) the *American Pipe* doctrine issue and (2) the Multiple Party Complaint issue. The parties' positions are set forth below.

A. American Pipe Doctrine.

Plaintiffs' Position:

Plaintiffs seek an Order from the Court tolling the statute of limitations for all claims which could be filed or transferred into this MDL. It is undisputed that "[w]hen a transferee court receives a case from the MDL Panel, the transferee court applies the law of the circuit in which it is located to issues of *federal law*." *See In re General American Life Ins. Co. Sales Practices Litig.*, 391 F.3d 907, 911 (8th Cir. 2004) (emphasis added). The question here is not whether each state's applicable statute of limitations should be applied (which very well may be an issue that this Court needs to look to the transferor court's law to determine) but rather whether those statutes of limitation should be tolled at this time pending a ruling on class certification.

The Supreme Court has found that “the commencement of a class action suspends the applicable statute of limitations as to all asserted members of the class who would have been parties had the suit been permitted to continue as a class action.” See *American Pipe & Const. Co. v. Utah*, 414 U.S. 538, 554 (1974). The Supreme Court reasoned that tolling the applicable statute of limitations during the course of the party’s participation in a federal class action would prevent the “needless duplication of motions” and protective filings by parties seeking to preserve their rights during the pendency of the class action and further noted that such tolling is consistent with the purpose of statute of limitations, which is to guarantee defendants fair and timely notice of “the substantive claims being brought against them” and “the number and generic identities of the potential plaintiffs.” *American Pipe*, 414 U.S. at 553-55. The Eighth Circuit has also found that “the federal interest in ‘the efficiency and economy of the class-action procedure’ outweighs any state interest and therefore justifies tolling in diversity cases where the otherwise-applicable state law provides no relief.” See *In re General American Life Ins. Co.*, 391 F.3d at 915 (8th Cir. 2004) (citing *Adams Pub. Sch. Dist. v. Asbestos Corp.* 7 F.3d 717, 718-19 (8th Cir. 1993)). The Eighth Circuit specifically found that “[b]ecause the law of our circuit applies to all issues of federal law in these consolidated cases, the district court should have considered whether the ... class action claims and the accompanying class a description were sufficient to put each defendant on notice of the substantive [state] claims brought in these cases and to inform each defendant of the ‘generic identities’ of these plaintiffs ... and thus were sufficient to toll any or all of the applicable statutes of limitations.” *Id.* (citing *American Pipe*, 414 U.S. at 554-55).

As tolling of statutes of limitations in the context of class actions has been found to be a question of federal procedure, the law of the transferee court applies. Defendants can not argue that the complaints filed in this case, including the Master Consolidated Complaint, do not put them on notice of the substantive state claims that may be brought in these cases or the “generic identities” of the potential plaintiffs. As such, this Court should apply the reasoning found in *In re General American Life Ins.* and in *American Pipe* to find that the statutes of limitations should be tolled for those claims that could be brought under this MDL. This does not in any way preclude the Defendants from making any arguments that a particular statute of limitation applies to any given case but only that all the statutes of limitations are tolled.¹

Defendants’ Position:

Medtronic objects to the entry of any general order to the effect that the *American Pipe* doctrine tolls all statute of limitations periods for all subsequently filed cases for unspecified claims by putative class members. There is no controversy properly before the Court, and Plaintiffs inappropriately ask the Court to enter an advisory opinion without consideration of the facts and record of a specific case or dispute. The applicability of statutes of limitations, tolling law and the the *American Pipe* doctrine is highly case-specific determination, and therefore a general order seeking to impose a uniform rule without such analysis is not warranted. Nothing in the relevant precedent in

¹ In this case, none of the applicable statutes of limitations would have yet run. On October 15, 2007, Medtronic announced a worldwide recall of all Sprint Fidelis Lead models. As such, the earliest time in which any individual state’s statute of limitation could possibly run would be October 15, 2008, under a one year statute of limitation.

the Eighth Circuit supports entry of a generic order without the benefit of the analysis that would be applied to particular disputes as to claims that are asserted to be time-barred under a particular state's laws. *See Great Plains Trust Co. v. Union Pacific R. Co.*, 492 F.3d 986, 995-97 (8th Cir. 2007) (applying Kansas limitations and tolling law and concluding *American Pipe* interest sufficiently protected through application of state savings statute). Indeed, the PSC would have the Court enter an order without conducting the analysis of the relevant state law on limitations and the application of *American Pipe* that has caused remand of prior cases. *See In re: General American Life Ins. Sales Practices Litig.*, 391 F.3d 907 (8th Cir. 2004) (analyzing Pennsylvania limitations law and remanding for consideration of the application of *American Pipe*); *Adams Public School Dist. v. Asbestos Corp., Ltd.*, 7 F.3d 717 (analyzing North Dakota limitations law and remanding for further consideration of the application of *American Pipe*). The consideration of *American Pipe* and its tolling doctrine should not be conducted in a vacuum without review of the relevant federal and state interests at stake. Likewise, the Court need not and should not opine upon Plaintiffs' suggestion that the earliest any statute of limitations could have begun to run is October 15, 2007. That suggestion is contrary to the allegations of many complaints already on file which allege March 2007 as the "earliest date" of notice and, in any event, improperly seeks a ruling concerning facts and issues not yet properly before the Court.

Moreover, several courts have questioned the propriety of applying the *American Pipe* tolling in the context of personal injury mass tort cases, such as this MDL, where the federal interest in class actions underlying *American Pipe* can be seriously questioned.

See *Rezulin Prods. Liab. Litig.*, MDL 1348, 2005 WL 26867, at *3 (S.D.N.Y. Jan. 5, 2005) (noting that the “wisdom of adopting the *American Pipe* rule in mass tort cases is, to say the least, highly debatable”); *Jolly v. Eli Lilly & Co.*, 751 P.2d 923, 937-38 (Cal. 1988) (declining to apply class action tolling to the DES mass tort litigation and observing “that because personal-injury mass-tort class-action claims can rarely meet the community of interest requirement in that each member’s right to recover depends on facts peculiar to each particular case, such claims may be presumptively incapable of apprising defendants of the substantive claims being brought against them, a prerequisite, in our view, to the application of *American Pipe*.”); *Bell v. Showa Denko K.K.*, 899 S.W. 2d 749, 758 (Tex. Ct. App. 1995) (“For us to hold that the filing of a mass personal injury suit, in a federal court, in another state, with the variety of claims necessarily involved in such a case, entitled a plaintiff to a tolling of the limitations period such as in *American Pipe*, would be an extension not warranted.”). The Eighth Circuit has not directly addressed these issues and the problems in applying tolling identified by these cases are present here where the viability of Plaintiffs’ purported class action complaints is highly dubious for the reasons set forth in Defendants’ Rule 26(f) Report, pp. 9-11.

Accordingly, because the applicability of the *American Pipe* doctrine will depend on the pertinent state law and the relevant federal procedural interest in the context of particular disputes, a general order of uncertain application is inappropriate here.

B. Multiple Party Complaints.

Plaintiffs' Position:

Plaintiffs request the Court permit the filing of Complaints on behalf of multiple parties. After several years of wrangling over this subject, most MDL Courts have now reached a consensus that, for purposes of the period of pre-trial discovery while the case resides in the MDL transferee court, multiple plaintiffs can be joined in the same Complaint under Fed. R. Civ. P. 20. The issue is one within the trial court's discretion. *Mosley v. General Motors Corp.*, 497 F.2d 1330 (8th Cir. 1974). In this federal District alone, such an Order was entered in *In re Baycol* (MDL 1431, see PTO 88) (allowing Plaintiffs with similar claims from same federal district to file together), *In re Medtronic (ICD)* (MDL 1726, see Order dated January 8, 2007) (permitting plaintiffs from the same state alleging the same claims to file jointly), *In re Guidant* (MDL 1708, see PTO 27) (concluding that all plaintiffs can join in one complaint, but all will be severed at time of remand). As Judge Rosenbaum said in *In re Medtronic*:

Joinder of plaintiffs for the purpose of consolidated filing is consistent with the Court's policy to lessen expenses and inconvenience to the parties. Plaintiffs and Defendant will not have to waste resources related to filing fees and drafting or responding to individual complaints.

In other mass tort cases, such an Order was permitted in *In re Bextra/Celebrex* (MDL 1699, see PTO 12) (ordering that joinder is permitted until remand), *In re Avandia* (MDL 1871, see Order May 14, 2008) (allowing multiple plaintiffs to join if from the same federal district), *In re Diet Drugs* (MDL 1203), 1999 WL 554584 (ED Pa 1999) (permitting multiple party complaints and determining that joinder issues can be

addressed by the transferor court), and *In re Rezulin* (MDL 1348) 168 F.Supp.2d 136 (S.D. N.Y. 2001) (allowing joinder for MDL pre-trial purposes only). Based on this long line of precedent in pharmaceutical and medical device litigation, Plaintiffs request that the Court permit multiple plaintiffs to file complaints jointly, subject to severance upon transfer or remand from the MDL transferee Court.

Defendants' Position:

Medtronic requests that the Court decline requests for leave to amend to add multiple unrelated plaintiffs (See Docket No.139 in *Colon-Perez* and Letter Request in *Aderman*)² and decline the PSC's request to enter a general order permitting the bundling of multiple unrelated plaintiffs contrary to the standards established by Rule 20.

Plaintiffs in these cases typically have substantially divergent medical histories, obtained care from multiple different providers and institutions, and assert claims arising from different sets of circumstances concerning Fidelis leads, often involving differing state laws. Thus, joinder of multiple unrelated plaintiffs in single complaints would be inappropriate under Rule 20 and would lead to administrative complications rather than ease administrative burdens. Plaintiffs cite *In re Baycol* (MDL 1431) to support their contention that the Court should permit filing of Complaints on behalf of multiple plaintiffs, but the referenced PTO 88 only permitted limited joinder of three female plaintiffs of similar age and characteristics, domiciled in the same state, and whose

² At the last status conference, the Court indicated receipt of a letter request to file an amended complaint in *Aderman* naming many additional plaintiffs in a complaint already naming multiple unrelated plaintiffs. To date, Counsel for Medtronic have not received a copy of the letter request or any formal motion (and none appears on the docket).

claims arose from the same set of circumstances. The PSC fails to note that the *Baycol* court had previously issued PTO 31, which denied plaintiffs' motion for joinder of up to fifty plaintiffs in a single complaint. *In re Baycol* (MDL 1431, see PTO 31). In so ruling, the *Baycol* court quoted *In re Orthopedic Bone Screw Products Liability Litigation* (MDL 1014), which reasoned that "there are many differences between the unique histories of each plaintiff" and that "[t]o simply group the plaintiffs by judicial district or to simply group them primarily for filing convenience, would not satisfy the terms required in Rule 20." *Id.* (quoting *In re Orthopedic Bone Screw Products Liability Litigation*, 1995 WL 428683, at *2 (E.D. Pa. July 17, 1995)). The *Baycol* court also ordered in PTO 61 that misjoined plaintiffs be severed from the complaints (an option open to the Court here to rectify the mass improper joinders of plaintiffs in the actions transferred to this Court). *In re Baycol* (MDL 1431, see PTO 61). In addition, despite Plaintiffs' reliance on *In re Guidant* (MDL 1708, see PTO 27), that court there observed that, had the issue of joinder been raised earlier, rather than one year into the existence of the MDL, the court "would not allow multiple, unrelated plaintiffs to be joined together in one case, and the [c]ourt would ensure that all plaintiffs entered this MDL on an even playing field." *Id.* Because of the early stage of this MDL, this Court should reject entry of a bundling order permitting multiple unrelated plaintiff filings.

Contrary to the PSC's suggestion of a growing consensus in favor of joinder, multiple courts have refused to permit unrelated plaintiffs to join in single complaints contrary to the standards of Rule 20. In *In re Bone Screw Litigation*, the court held that "joinder based on the belief that the same occurrence or transaction is satisfied by the fact

that claimants have the same or similar device of a defendant manufacturer implant . . . is . . . not a proper joinder under Federal Rule of Civil Procedure 20.” *In re Orthopedic Bone Screw Products Liability Litigation*, 1995 WL 428683, at *6. Others have recognized that orders permitting broad joinders of plaintiffs do not result in the administrative savings that the PSC would suggest. In *In re Vioxx* (MDL 1657, see PTO 26), the court observed that its previous practice of allowing multiple unrelated claimants in the MDL to file their claims in a single complaint actually created “administrative complications and led to certain inefficiencies that would have been avoided had the [c]ourt not modified the traditional rule that unrelated claimants must file individual complaints.” *Id.* The court accordingly ordered that unrelated claimants were required to file separate complaints. *Id.* The court in *In re Rezulin* (MDL 1348), a case also cited by Plaintiffs, held that a plaintiff had been misjoined because she could not make at least one claim that arose out of the same transaction or occurrence or series of transactions or occurrences as the claims of her co-plaintiffs, and the court severed her claim. The *Rezulin* court stated, “Joinder of several plaintiffs who have no connection to each other in no way promotes trial convenience or expedites the adjudication of asserted claims.” *In re Rezulin* (MDL 1348), 168 F.Supp.2d 136, 146 (S.D.N.Y. 2001) (internal citations omitted). Thus, Medtronic requests that the Court decline the PSC’s request and enter an order specifying that multiple unrelated plaintiffs may not properly join to file single complaints.

Dated: August 21, 2008

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UNITED STATES DISTRICT COURT
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MEDTRONIC, INC.,
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THIS DOCUMENT RELATES
TO ALL CASES

Related Pending Cases as of 8/20/2008

Pending State Court Cases				
Venue	Case	Court File No.	Date Filed	Status
Superior Court of the State of California County of LA Central Division	Bagram Bagumyan and Ovsanna Bagumyan et al v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co., Walter F. Kerwin, MD and Does 1-100.	BC385151	2/7/2008	Answer filed on 4/1/2008 by Medtronic, Inc.; Medtronic Puerto Rico, Inc.; (N/K/A Medtronic International Technology, Inc.) and Medtronic Puerto Rico Operations Co. Plaintiffs filed a motion for leave to add plaintiffs and file an amended complaint that was granted. A demurrer to the complaint will be filed on August 28, 2008.
Superior Court of the State of California County of Sonoma	Ted Hollen and Miriam Hollen v. Medtronic, Inc. and Does 1-25.	343249	7/22/2008	Medtronic, Inc. not served.
Circuit Court of the 20th Judicial Circuit for Lee County, Florida	John Clark v. Medtronic, Inc.	08-CA-19437	8/6/2008	Removal to USDC on or before 8/22/2008

Commonwealth of Kentucky 11th Judicial Circuit	Mary Judy Wray v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	08-CI-00139	8/7/2008	Removal to USDC on or before 8/22/2008
State of Louisiana 19th Judicial District Court, East Baton Rouge Parish	Joseph M. Moran and Jake Donachricha v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	C567671	6/6/2008	Answer or other responsive pleading due on or before 8/26/2008.
Fourth Judicial District, County of Hennepin, State of MN	Alicia Ernioma v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-07-24213	11/16/2007	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Kira Kaninvo, Trustee of Estate of Lev Kandinov and Yeketerina Glotova v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co	27-CV-08-1221	1/7/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Kristen G. Kulseth(Minor) and Dennis R. Kulseth(Guardian) v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co	27-CV-08-1548	1/4/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Eva Harris v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co	27-CV-07-23896	11/13/2007	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Bettie Jo Morris v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co	Pending	1/14/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Emiddio John Salvatore and Anna Salvatore v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co	27-CV-08-20025	1/17/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Dennis M. Spencer v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	Pending	12/13/2007	Currently Stayed

Fourth Judicial District, County of Hennepin, State of MN	Dorothy E. Miller and I. Diller Miller, Jr. v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	27-CV-07-26680	12/13/2007	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Todd Anderson v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	27-CV-08-1551	1/4/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	James D. Walter v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	27-CV-08-1540	1/4/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Thomas M. Reed v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	27-CV-08-1546	1/4/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Denise DeHann v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	27-CV-07-26673	12/13/2007	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Kimberly Orange v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	27-CV-07-24538	11/28/2007	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Louisa Hunter v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co	27-CV-07-24540	11/28/2007	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Patricia Ross v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	27-CV-07024261	11/20/2007	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Christine Keast v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	27-CV-07-22446	2/7/2008	Currently Stayed

Fourth Judicial District, County of Hennepin, State of MN	Martial Chamberland v. Medtronic, Inc, MDT Puerto Rico, Inc and MDT Puerto Rico Operation Co.	27-CV-08-3520	2/7/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Paul Carlisle and Patricia Carlisle v. Medtronic, Inc.	27-CV-07-26373	12/6/2007	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Shirley Bebeau v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-07-22446	10/23/2007	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Robert T. Bell v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-4900	2/19/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Randolph Braxton v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-7198	3/25/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	John Crouch v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co	27-CV-07-22446	3/31/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Elizabeth A. Fossum v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-9284	4/14/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Jack Steel v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	3/25/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Ruth Wilson v. Medtronic, Inc., Medtronic International Technology, Inc., and MDT Puerto Operations Co.	Pending	4/16/2008	Currently Stayed

Fourth Judicial District, County of Hennepin, State of MN	Willie Bowden v. Medtronic, Inc., Medtronic International Technology, Inc., and MDT Puerto Operations Co.	Pending	4/16/2998	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	John Seery v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	27-CV-08-9939	4/21/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Nathan Copeland and Barbara Copeland v. Medtronic, Inc., Medtronic International Technology, Inc., and MDT Puerto Operations Co.	27-CV-08-11540	5/6/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Monika Lagasse v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-9922	4/21/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Michael Doyle v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-11806	5/6/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Linda Brue v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-11803	5/6/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Richard Brochon v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-11801	5/6/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Robin Fairweather v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-11808	5/6/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Joseph Liuzzo v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-11799	5/6/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Ann Long v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-11748	5/6/2008	Currently Stayed

Fourth Judicial District, County of Hennepin, State of MN	Courtney Moher v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/6/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Paul Osborne v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/6/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Robert Barnett v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-11785	5/6/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Dawn Bright v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-11753	5/6/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Theron Patten v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-15568	6/16/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Troy Pemberton v. Medtronic, Inc., MDT International Technology, and MDT Puerto Operations Co.	Pending	6/11/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Donny Simmons v. Medtronic, Inc., MDT International Technology, and MDT Puerto Operations Co.	Pending	6/11/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Derrick DeSharzo v. Medtronic, Inc., MDT International Technology, and MDT Puerto Operations Co.	Pending	6/11/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Elvis Carter and Blanche H. Carter v. Medtronic, Inc., MDT International Technology F/K/A MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-08-15212	6/12/2008	Currently Stayed

Fourth Judicial District, County of Hennepin, State of MN	Juventino Rodriguez v. Medtronic, Inc., MDT International Technology F/K/A MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Donald J. Ornstein v. Medtronic, Inc., MDT International Technology F/K/A MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Roger Dale Hissong and Lynn Hissong v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-07-22446	6/3/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Gilberto Pantoja v. Medtronic, Inc., MDT International Technology F/K/A MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Stephen Bunce v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	6/2/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Ralph Neeley and Marilyn Neeley v. Medtronic, Inc., Medtronic International Technology, Inc, formerly known as MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-0813403	5/30/2008	Currently Stayed

Fourth Judicial District, County of Hennepin, State of MN	Milton Weimer v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/15/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Michael Winder v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/15/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Wendell White v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/16/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Buddy Robertson v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/16/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	George Gumlaw v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/16/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Mark Capps v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/16/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Omar Bernard and Gerona Bain Bernard v. Medtronic, Inc.	Pending	5/19/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Martin L. Stapley and Sharon Stapley v. Medtronic, Inc.	Pending	5/19/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Nancy Oliver v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	27-CV-07-22446	5/19/2008	Currently Stayed

Fourth Judicial District, County of Hennepin, State of MN	Virginia Yonce v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/15/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Ralph Fields and Juanita Fields v. Medtronic, Inc., Medtronic International Technology, Inc. formerly known as MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	6/27/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	William Walker v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	6/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Harvey Mullins v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	6/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	John Kinsey v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	6/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Thomas Shaw v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	6/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Laura Ferguson v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	6/30/2008	Currently Stayed

Fourth Judicial District, County of Hennepin, State of MN	Phillip Smith v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	6/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Kevin Zengel v. Medtronic, Inc., Medtronic International Technology, Inc. formerly known as Medtronic Puerto Rico, Inc. and MDT Puerto Operations Co.	Pending	7/1/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Curtis Thomas v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/15/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Mary Manning v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	7/3/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Roland Paluczak v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/15/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	John Armstrong and Marjorie Armstrong v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	7/7/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Jane S. McCown v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	7/14/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Kathleen M. Olsen v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	7/11/2008	Currently Stayed

Fourth Judicial District, County of Hennepin, State of MN	Judy Ziehme and Don Ziehme v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	7/9/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Effie Masters v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	7/22/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Sandra Schexnater v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	7/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	George Joiner v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	7/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	James Stephenson v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	7/30/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Clyde Linton v. Medtronic, Inc., Medtronic International Technology, Inc. and MDT Puerto Operations Co.	Pending	8/1/2008	Currently Stayed
Fourth Judicial District, County of Hennepin, State of MN	Donald Hansen and Susan Hansen v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co. and Does 1-100.	Pending	8/7/2008	Currently Stayed
Superior Court of New Jersey Law Division, Atlantic County	Maria Bertino, Executor of the Estate of Rocco Bertino and Maria Bertino in her own right	ATL-L-2420-08	7/18/2008	Removal to USDC on or before 8/22/2008

Supreme Court of the State of NY County of Westchester	Norma Mitaro and Joseph Mitaro v. Medtronic, Inc.; Medtronic PR, Inc. MDT PR Operations Co. Medtronic USA, Inc, Joshua Trutt, MD, David Stuhlmiller, MD, Westchester Medical Center and Westchester County Health Care Corp.	003643/08	2/12/2008	Initial motion to dismiss filed May 15, 2008. Prior to responding to the motion, Plaintiffs filed an amended complaint and a new motion to dismiss will be filed on Sept. 12, 2008.
Supreme Court of the State of NY County of Suffolk.	Jason Risavich and Frances Risavich v. Hearth Rhythm Consultants, St. Catherine's of Siena Hospital, George Carayannopoulos, MD, Saverio Barbera, MD Thomas McBreath, MD, North Suffolk Cardiology Associates, Lyudmila Khalodorova, MD, Medtronic, Inc. and John Does 1 – 50.	08-14183	4/22/2008	Motion to Dismiss being filed on August 21, 2008.
Virginia in the Circuit Court of Lynchburg	James R. Pagdgett v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	Pending	5/21/2008	Not Served
Virginia in the Circuit Court of Lunenburg	Ruth H. Millican v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	08 000033	2/22/2008	Not Served

“Related Pending Cases”**As of August 20, 2008**

Pending Federal Court Cases Not Yet Transferred to MDL				
Venue	Case	Court File No.	Date Filed	Status
USDC Central District of California	William Brosnan, Ira Gelb, Kenneth Weiss, Kenneth Herr, Paul Wilman v. Medtronic Vascular, Inc. and Medtronic, Inc. and Does 1-100, Inclusive	2:08-CV-04568	6/12/2008	Per CTO-15 Notice of Opposition due 8/28/2008. Plaintiffs filed a motion to remand, opposition due on 8/28/2008.
USDC District of Columbia	Zoltan Bodas, Mickey Chambers, James A. Gray, Raymond Harris, Roland T. Hobdy, Larry E. Melzer and Misty Whiteman v. Medtronic, Inc.	0:08-CV-01442	7/28/2008	Tag-Along Notice sent to JPML on 8/20/2008
USDC Southern District of Indiana	Betty Ann Rupert v. Medtronic, Inc., Medtronic Puerto Rico, Inc. and Medtronic Puerto Rico Operations Co.	3:08-CV-00102	7/10/2008	Per CTO-15 Notice of Opposition due 8/28/2008
USDC Southern District of Indiana	Robert Jones v. Medtronic, Inc.	1:08-CV-00932	7/10/2008	Per CTO-15 Notice of Opposition due 8/28/2008
USDC Eastern District of Virginia	Reba A. Morrisette v. Medtronic, Inc. Medtronic Puerto Rico, Inc. and Medtronic Puerto Rico Operations Co.	3:08-CV-00452	7/18/2008	Per CTO-15 Notice of Opposition due 8/28/2008
USDC Southern District of Texas	Karen A. Ludiker, Individually, and as Representative of the Estate of Billy Dean Ludiker (Deceased) v. Medtronic, Inc., Medtronic Puerto Rico, Inc. and Medtronic Puerto Rico Operations Co.	4:08-CV-02260	7/21/2008	Per CTO-15 Notice of Opposition due 8/28/2008
USDC Southern District of Texas	Charlene Tapia, Individually, and as Representative of the Estate of Joaquin Tapia (Deceased) v. Medtronic, Inc., Medtronic Puerto Rico, Inc. and Medtronic Puerto Rico Operations Co.	4:08-CV-02261	7/21/2008	Per CTO-15 Notice of Opposition due 8/28/2008
USDC Southern District of Texas	Olga P. Cantu, Individually, and as Representative of the Estate of Peter S. Cantu, Jr. (Deceased) v. Medtronic, Inc., Medtronic Puerto Rico, Inc. and Medtronic Puerto Rico Operations Co.	4:08-CV-02262	7/21/2008	Per CTO-15 Notice of Opposition due 8/28/2008

USDC Eastern District of New York	John Pace, Judith Pace, Betty Dornette, on behalf of the Estate of Ralph Dornette and Betty Dornette, individually v. Medtronic, Inc., Medtronic Puerto Rico, Inc. and Medtronic Puerto Rico Operations Co.	1:08-CV-02990	7/23/2008	Per CTO-15 Notice of Opposition due 8/28/2008
USDC Northern District of Iowa	Annette Carbis, Donald G. Burke and Willa Burke, Edward Sanks and Ellen Sanks and Robert Roeder v. Medtronic, Inc.	08-CV-00088	7/9/2008	Per CTO-14 Notice of Opposition due 8/18/2008. No oppositions filed.
USDC Southern District of Iowa	Daniel Lebeau and Brenda Lebeau, Johnny D. Simmons and Verle Reid and Maxine Reid v. Medtronic, Inc.	08-CV-00085	7/9/2008	Per CTO-14 Notice of Opposition due 8/18/2008. No oppositions filed.
USDC Southern District of Illinois	Lonnie Chambers and Doris Chambers v. Medtronic, Inc. and Medtronic USA, Inc.	3:08-CV-00554	7/10/2008	Per CTO-15 Notice of Opposition due 8/28/2008
USDC Eastern District of North Carolina	James Suggs v. Medtronic, Inc., Medtronic Puerto Rico, Inc. n/k/a Medtronic International Technology, Inc. and Medtronic Puerto Rico Operations Co.	7:08-CV-00124	8/5/2008	Per CTO-15 Notice of Opposition due 8/28/2008
USDC Middle District of Louisiana	Logan Aucoin v. Medtronic, Inc., Medtronic Puerto Rico, Inc. and Medtronic International Technology, Inc.	3:08-CV-004914	6/13/2008	Tag-Along Notice sent to JPML on 8/11/2008
USDC Middle District of Florida	Sharon Madray et al v. Medtronic, Inc., MDT Puerto Rico, Inc., and MDT Puerto Operations Co.	08-CV-00669	7/1/2008	Per CTO-14 Notice of Opposition due 8/18/2008. No oppositions filed.
USDC Southern District of Florida	Yelbaligia Aguilera v. Medtronic, Inc., Medtronic Puerto Rico, Inc. and Medtronic Puerto Rico Operations Co.	1:08-CV-22239	8/8/2008	Tag-Along Notice sent to JPML on 8/11/2008
USDC Southern District of Ohio	Marvin J. Beach and Nancy Beach v. Medtronic, Inc.	2:08-CV-00788	6/13/2008	Tag-Along Notice sent to JPML on 8/15/2008